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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,656	08/19/2003	Seo-Hyun Cho	1349.1276	3051

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EXAMINER

MCPHERSON, JOHN A

ART UNIT PAPER NUMBER

1756

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/642,656

Applicant(s)

CHO ET AL.

Examiner

John A. McPherson

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 7-10 and 12-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/05 has been entered.
2. The Amendment filed 11/17/05 successfully overcomes the rejections set forth in paragraphs 3 and 4 of the Office Action mailed 8/19/05. Accordingly, these rejections are withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 7-10 and 12-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,162,589 to Chen et al. (Chen). Chen discloses a method of manufacturing a thermal inkjet printhead comprising the steps of forming a layer of slow-crosslinking polymer, for example an epoxy or a polyimide, on a substrate;

exposing the polymer layer through a single mask having multi-density levels to allow different dosages of electromagnetic energy to expose the polymer; developing to remove non cross-linked material to form a fluid-well chamber and an orifice chamber; and etching the through backside of the substrate to create a fluid feed channel. See column 8, lines 5-21 and Figures 9E-G.

Furthermore, as shown in Figure 9E, the multi-density level mask transmits electromagnetic radiation having regions of strong intensity **11** (corresponding to the first part having a relatively high UV transmission rate of the present invention), regions with a low dose of electromagnetic energy **12** (corresponding to the second and forth parts having the same relatively low UV transmission rate of the present invention), and provides a region where electromagnetic radiation is not transmitted at the orifice opening **42** (corresponding to the third part having a UV transmission rate of 0% of the present invention), wherein the region where electromagnetic radiation is not transmitted (i.e. the third part) is between the regions with a low dose of electromagnetic energy (i.e. the second and forth parts).

### ***Response to Arguments***

4. Applicant's arguments filed 11/17/05 have been fully considered but they are not persuasive. Applicant argues that the mask of Chen [as shown in figure 6A] has an opaque area **142** within a partially opaque area **144**. Thus, the opaque area **142** is not between different parts having a same UV transmission rate. However, Figure 6A of Chen is a top view of multi-density level mask **140**. If the mask of Chen was viewed as

a cross section, similar to the view of photomask **108'** in Figure 4C of the present invention, then the mask of Chen would comprise an opaque area between two partially opaque areas. This is clearly show in Figure 9E of Chen, where the length of the arrows, or lack thereof, represents the transmission rate of the mask. Note that the orifice opening **42**, patterned by the opaque area **142** of multi-density level mask **140**, is between two regions with a low dosage of electromagnetic energy **12**, each patterned by partially opaque area **144** of multi-density level mask **140**.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. McPherson whose telephone number is (571) 272-1386. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).



John A. McPherson  
Primary Examiner  
Art Unit 1756

JAM  
1/30/06